IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 4365 of 2007

AMAR CHAND & ANR.
V/S
CIVIL JUDGE(S.D.) RATANGARH & ANR.

Mr. VINOD BHADU for Mr. MANISH DADHICH, for the appellant / petitioner

Date of Order : 6.9.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The learned trial Court has found that the subject matter, directly and substantially in issue in the two suits is different, inasmuch as, the earlier suit is a suit for eviction, wherein only certain incidental rights relating to staircase and roof are involved, while the present suit comprehends the question of interference in right, title and interest in the staircase etc., and thus, the matter, directly and substantially in issue, in the two suits is altogether different. In my view, the finding does not require any interference. The writ petition thus has no force, and is therefore, dismissed summarily.

(N P GUPTA),J.

/tarun/